



Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008* (PA2008) the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

Project name	Lime Down Solar Project
Date of request	23 September 2025
Deadline for AOCR	7 October 2025
Return to	limedown@planninginspectorate.gov.uk

Please complete the proforma outlining your AoCR on the above NSIP.

Local Authority	Wiltshire Council
------------------------	-------------------

In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

Assessment of Compliance - Required	
S42 Duty to consult	Yes
S47 Duty to consult local authority	Yes (see detailed comments below)
S48 Duty to publicise	Yes (see detailed comments below)

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.



Additional comments - <i>Not compulsory</i>	
S42 Duty to consult	<p>Wiltshire Council considers that the Applicant has complied with the provisions of Section 42 of the Act.</p> <p>Wiltshire Council acknowledges that due to the proposed boundary changes within the Applicant's Targeted Consultation, South Gloucestershire Council was subsequently identified as a Host Authority. This resulted in the identification of four additional neighbouring local authorities as well. The council notes that the newly identified authorities were afforded the opportunity to comment on the full statutory consultation materials.</p>
S47 Duty to consult local authority	<p>Wiltshire Council had the opportunity to provide informal and formal feedback on the Statement of Community Consultation (SoCC). Whilst not all of the council's feedback was adopted by the Applicant, the council considers that the consultation approach set out in the final SoCC was sufficient.</p> <p>When the Applicant identified an issue with the core consultation zone and associated mapping within the published SoCC, it contacted the council to seek its views on the proposed approach to correct this error. Wiltshire Council confirmed that it was satisfied with the actions proposed and the Applicant published an Errata Statement on its website and amended the material to be available at the consultation events and Community Access Points.</p> <p>At the Adequacy of Consultation Milestone stage, Wiltshire Council reiterated its concerns, as originally stated within its Statutory Consultation response, regarding the adequacy of materials at the Statutory Consultation stage for consultees to understand the full likely local impacts of the development.</p> <p>Whilst the following is not exhaustive, the council's statutory consultation response identified incomplete / insufficient assessment information in the following areas:</p> <ul style="list-style-type: none">• The cumulative impact of development - There was a lack of information regarding the methodology and justification as to how the Zones of Influence for each technical discipline were derived.• The impact on tourism – the assessment of the scheme's impact on tourism was outstanding



- Landscape and visual – Insufficient evidence of consideration of the resulting change effects upon the existing landscape character baseline. The scale of the development or corresponding land use change was not adequately assessed.
- Ecological – A number of ecological and habitat condition surveys were outstanding for the solar sites and for the cable connection route. Surveys were not undertaken for both seasons within a single calendar year. The methodology and baseline information was insufficient to enable informed assessment. Furthermore, as the Applicant was still exploring mitigation measures for several species / species groups, it was not possible to comment on the efficacy and adequacy of mitigation and compensation proposed in relation to a number of ecological receptors.
- Built heritage and archaeology – The heritage impact assessment was not yet prepared, therefore it was not possible to determine the extent to which the development would harm the significance of heritage assets via development within their setting. The archaeological trial trench evaluation was still ongoing, meaning that the true archaeological potential of the development area was not yet known.
- Drainage and flooding – A significant amount of additional flood modelling and survey work was yet to be undertaken, which is required to confirm predicted flood extents and depths to a higher degree of accuracy as well as the likely impacts from soil compaction. Assessment is required to demonstrate that there is no change to existing overland flow routes to ensure that flood risk is not increased elsewhere
- Highways and transport – Insufficient information to demonstrate that there is sufficient route widths and passing places to safely accommodate the Applicant's transport routes as survey work was ongoing.
- Noise – Surveys were not undertaken in the locality of the cable connection corridor and there was insufficient information within PEIR to demonstrate receiver height data, octave-band source data or noise levels by source at each receptor. No noise contour map was included. There was insufficient information regarding the noise assessment for the works at Melksham substation
- Air quality – Due to the risk to ecology from dust generated during construction, a site-specific Construction Management Statement is required to ensure sufficient dust suppression.

The council had strongly recommended that the Applicant undertake a supplementary public consultation in advance of DCO submission, so that consultees could consider the outstanding survey and further environmental assessment information to ascertain whether the Applicant's assessment of



the full environmental effects of the scheme was robust. It is extremely disappointing and concerning that the Applicant chose not to do this.

However, the Applicant did undertake an additional Targeted Consultation. Wiltshire Council had the opportunity to comment on the proposed approach to the Targeted Consultation, and the Applicant took some of the council's feedback onboard. However, there was a perception within the local community that the Targeted Consultation was not open to members of the public to comment on. This was perhaps due to the manner in which the Targeted Consultation was primarily communicated to the local community through the Applicant's Summer Newsletter. Please see further comments in relation to this in the S48 Duty to publicise section below.


The council's concern with the lack of environmental assessment information was re-iterated within the council's Targeted Consultation response. The inclusion of one paragraph relating to the assessment of likely significant effects within the Applicant's consultation documentation was woefully insufficient as there was no detailed assessment information provided apart from this blanket statement that the proposed changes had not altered the Applicant's Preliminary Environmental Information Report (PEIR) assessment. Furthermore, there had been no interim updates of the PEIR / ES chapters for council officers to review to address the issues and / or concerns identified in the council's Statutory Consultation response regarding the Applicant's preliminary assessment conclusions.

The council would also like to point out that case law establishes minimum standards for lawful and adequate consultation. The council highlights to the Planning Inspectorate the case of *R (Coughlan) [2001] QB 213*, where the Court explained the four relevant "Gunning" principles for lawful adequate consultation in that:

*"It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, **consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken....**"*

Therefore, the council ascertains that the Applicant has not complied with the 'Gunning' Principles by failing to enable consultees to give intelligent consideration and intelligent response.



	<p>Whilst, on the whole, the council considers that the Applicant has met the procedural requirements under S47 of the Act, the council does not believe that the Applicant has complied with Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Project Guidance. The Guidance at §012 explains “the Applicant is required by Regulation 12 of the EIA Regulations 2017 to publish sufficient Preliminary Environmental Information (PEI) to enable consultees to develop an informed view of the likely significant environmental effects of the proposed development”. The council would therefore expect the Planning Inspectorate to carefully consider whether the documentation upon which the Applicant consulted (in particular the Preliminary Environmental Information Report (PEIR) for the Statutory Consultation, and the consultation documentation for the Targeted Consultation on proposed boundary amendments was sufficient for those consulted to develop a satisfactorily informed view of the likely significant effects of the proposal. This is explored further in the Any other comments section below.</p>
S48 Duty to publicise	<p>One of the primary methods for communicating the Targeted Consultation to the community at large was through the Applicant’s Summer Newsletter (Consultation Report Appendix I-1: Targeted Consultation). Please see extract below:</p> <p>Targeted consultation on localised changes</p> <p>We’ve made a series of minor amendments to the development boundary area for the Project, compared to the boundary which we consulted you on during our Stage Two consultation (Jan-Mar 2025).</p> <p>The localised changes comprise:</p> <ul style="list-style-type: none">+ Six areas to enable the temporary highway and traffic works that would be required to safely accommodate the Abnormal Indivisible Load (AIL) vehicles needed during the construction phase of the Project.+ Nine areas where the development boundary has been adjusted to enable access to and within the Project site, and to avoid constraints such as woodland and hedgerows. <p>If you hold an interest in the land that was proposed for the Project at Stage Two or the proposed localised changes, you should receive separate communications from Lime Down Solar Park land agents Dalcour Maclaren. If you think this applies to you, and you have not received a letter, please get in touch at limedownsolarpark@dalcourmaclaren.com.</p> <p>We’ve separately contacted communities in immediate vicinity of the changes to notify and invite to provide comments on these changes. If you think this applies to you, and you have not received a letter, please get in touch with us directly via the communication lines on the next page.</p> <p>A large proportion of the community and bodies that represent them, for example town and parish councils, appear to have believed that the Targeted</p> <div><p>We are holding a stage of targeted consultation on these localised changes which will run from Tuesday 03 June to Friday 11 July 2025. For further information please visit www.limedownsolar.co.uk or contact us via our communication lines.</p><p>To find out more about the localised changes we are proposing, you can also attend our online event on Thursday 19 June 2025 from 18:30 to 20:00 (via Zoom). Please register to attend via the Project website.</p><div>How to provide your comments</div><p>You can submit your comments on our proposed localised changes until 23:59 on 11 July 2025. Your feedback can be provided online via the Project website, in writing, or via email. Please visit www.limedownsolar.co.uk or contact us via our communication lines to find out more.</p></div>



	<p>Consultation was not open to the general public to comment on. This may be due to them believing that only those people / organisations who had received direct notification were able to submit comments. This perception that the Targeted Consultation was not open to everybody is demonstrated through the comments received to the Targeted Consultation (as contained within the 5.2 Consultation Report Appendices_Appendix 1-5_Targeted Consultation) and Wiltshire Council's own Council resolution (22nd July 2025). It is also evident through the response rate of the various consultations, whereby 1,326 submissions of feedback were received to the Non-Statutory consultation, 1,638 feedback responses to the Statutory Consultation but only 204 submissions of feedback were received to the Targeted Consultation.</p> <p>Whilst the council considers that the Applicant has met the procedural requirements under S48 of the Act overall, the council questions the usefulness of the manner in which the Targeted Consultation was publicised as it appears to have led to a large proportion of the local community believing that they weren't able to participate and have their say on the Applicant's proposals. This is particularly concerning given the high level of interest that this scheme has generated within the local community.</p>
Any other comments	<p>As indicated above, Wiltshire Council officers and its elected members, both on behalf of themselves and their constituents, raised concerns regarding the adequacy of the consultation materials at the Statutory Consultation stage. This concern was also re-iterated within the council's consultation response at the Targeted Consultation stage.</p> <p>Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered as far as possible in advance of submission, allowing for shorter and more efficient examinations. From the responses from other consultees and the wider public to the Statutory and Targeted Consultations as contained within the Applicant's Consultation Report, it is clear that other parties share the council's views that there has not been adequate information available at the consultation stages to allow properly informed responses from stakeholders and the public.</p> <p>Furthermore, Section 49 of the Act states that an applicant must have regard to any relevant response received to the consultation(s) undertaken. The council considers that there has been a lack of feedback from the Applicant about how the consultation responses from Authorities and other parties have shaped the development of the project. The Applicant's responses</p>



within its Consultation Report often simply refers to the DCO documents in which comments have been addressed. For example:

LD2_FFD_917	Respondent asked if assessments have been made on the impact of construction.	No	The impact of construction has been fully assessed within the Environmental Statement (ES) [EN010684/APP/6.1] , any likely significant effects of the Scheme have been identified and appropriate mitigation measures incorporated into the Scheme. Mitigation measures are contained within the Outline Construction Environmental Management Plan (CEMP) [EN010168/APP/7.12] and Outline Construction Traffic Management Plan (CTMP) [EN010168/APP/7.22] to limit disruption during construction. The development of detailed versions of the Outline CEMP and Outline CTMP and the implementation of these is secured by the Requirements under Schedule 2 of the Draft Development Consent Order [EN010168/APP/3.1] .
-------------	---	----	---

Wiltshire Council	Socioeconomics, tourism, recreation and health	t) A full assessment of likely impacts on tourism arising from the scheme.	No	A detailed assessment of the likely significance of effects from the Scheme on individual PRoW, tourism destinations, recreational features, and the economic impact to the tourism economy has been included in Environmental Statement (ES) Volume 1, Chapter 16: Socio-Economics, Tourism and Recreation [EN010168/APP/6.1] and ES Volume 3, Appendix 16-2: Tourism and Recreation Receptor Tables [EN010168/APP/6.3] . This assessment considers the impact on individual recreational routes – be that practically in their use, and their enjoyment and desirability – impacts on tourism and visitor destinations, and the potential impact on tourism-dependent businesses in the areas immediately impacted by the Scheme.
-------------------	--	--	----	---

As the council has not been sighted on these documents, it has been difficult to identify whether “conscientious consideration” has been given by the Applicant by taking consultation responses into account in the development of their application. This appears at odds with the fourth Gunning principle.

For the avoidance of doubt, Wiltshire Council has not seen the Environmental Statement, nor draft copies of most of the strategy and proposed management plans, in advance of the DCO submission. This is despite numerous requests for further information to be provided. There has been piecemeal feeding of further information on elements of the project by the Applicant, however, there has been little opportunity to influence the DCO application documentation. For example, the Applicant shared the draft Outline Landscape and Ecology Management Plan and draft Habitats Regulation Assessment with the council on 4th September, but given the DCO application was due to be submitted on 19th September, these in effect were provided for information rather than comment.

Furthermore, the council received an incomplete draft of the draft Development Consent Order (DCO) on 15th August. However, this did not include the Explanatory Memorandum. The council provided



comprehensive feedback on the draft DCO on 5th September, however, it is not yet apparent how this feedback has been reflected within the Applicant's submitted application.

This lack of a comprehensive set of documents has compromised the engagement that has taken place because of the complex inter-relationship between all of the documents means no single document can ever be understood in isolation. As such, Wiltshire Council has not been able to complete the engagement on the pre-application work with the Applicant as envisaged in the regime set out by the Planning Act 2008. It is only now, should the application be accepted and the full application documentation be published and made available, that the Council will be able to review the proposal as a whole to make a considered and informed judgement on the scheme.

As such, the council considers that there is a substantial amount of work still to be done, with all of the associated complexities, to fully understand the proposal, the scheme's likely impacts and the required mitigation measures in order to resolve the numerous issues which have been identified with the scheme proposals. This will place undue pressure and burden upon the Examining Authority, the Applicant and all Interested Parties during the examination, and may result in the Examining Authority being unable to undertake its work in full within the statutory six months from the Preliminary Meeting examination period.

The council considers that the Planning Inspectorate should decline to accept the DCO application to enable more meaningful engagement and consultation to take place. However, should the application be accepted, the Planning Inspectorate should ensure that adequate time is allowed to address these matters in the pre-examination period. Wiltshire Council considers that this would be beneficial to the Applicant, the Authority, all Interested Parties and the Examining Authority.